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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Revision of the Commission's Rules )

To Ensure Compatibility with )

Enhanced 911 Emergency Calling Systems )

CC Docket No. 94-102  
RM-8143

To: The Commission

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NEXTEL COMMUNICATIONS, INC.  
COMMENTS ON PETITIONS FOR RECONSIDERATION

NEXTEL COMMUNICATIONS, INC.

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Dated: October 3, 1996

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**I. INTRODUCTION**

Pursuant to Section 1.429 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits these Comments on Petitions for Reconsideration ("Petitions") that were filed in the above-referenced proceeding on September 3, 1996. The Petitions sought reconsideration of the Commission's Report and Order ("Order") herein.<sup>1/</sup>

**II. BACKGROUND**

Nextel filed a Petition for Reconsideration and Clarification on September 3, 1996. In that Petition, Nextel sought reconsideration of the Commission's requirement that, under certain circumstances, "911" calls be transmitted from mobile units without a code identifier. Such a requirement is an unreasonable operational and technical burden with little corresponding public benefit. Additionally, as the largest provider of Specialized Mobile Radio ("SMR") services in the U.S., Nextel sought

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<sup>1/</sup> Report and Order and Further Notice of Proposed Rule Making, FCC 96-264, CC Docket No. 94-102, released July 26, 1996.

clarification of the Commission's definition of "covered SMR" for purposes of applying the Enhanced 911 ("E911") requirements. As written, the definition is too broad and will encompass numerous providers that no one -- including the Commission -- believes should be subject to the E911 obligation.

The Petitions revealed significant agreement with Nextel on both issues. First, at least five of the petitioners agreed that requiring the transmission of 911 calls from mobile units with no code identification is bad public policy and should be not be mandated.<sup>2/</sup> Second, with regard to the definition of "covered SMR," all petitioners addressing the issue were in agreement that the term must be clarified to exclude traditional, analog non-cellular-like SMR systems.<sup>3/</sup> Therefore, Nextel respectfully submits these Comments on the Petitions For Reconsideration to further explain the need for reconsideration and/or clarification of these issues.

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<sup>2/</sup> Petition of Ameritech Corporation ("Ameritech") at pp. 7-9; Nokia Telecommunications, Inc. ("Nokia") at p. 2; AT&T Wireless at p. 2; XYPOINT Corporation ("XYPOINT") at pp. 4-5; Bell Atlantic NYNEX Mobile ("BANM") at p. 5; and The Cellular Telecommunications Industry Association ("CTIA") at pp. 10-12.

<sup>3/</sup> Petition of the American Mobile Telecommunications Association ("AMTA") at p. 4; Small Business in Telecommunications, Inc. ("SBT") at p. 3; and the Personal Communications Industry Association ("PCIA") at p. 16.

### III. DISCUSSION

A. The requirement to transmit E911 calls from handsets without a code identification is not in the public interest and should be eliminated

Several petitioners agreed that the Commission should reconsider its decision to mandate the transmission of 911 calls from handsets that have no code identification.<sup>4/</sup> XYPOINT, for example, provided three reasons for reconsideration: (1) there is "no way of knowing who made the call" without code identification, thereby making call-back (a critical component of E911) impossible;<sup>5/</sup> (2) because the carrier cannot uncover the identity of the caller, the requirement enables fraudulent and criminal actions;<sup>6/</sup> and (3) there will be no avenue for cost recovery since consumers would have the ability to receive E911 services by simply purchasing a mobile phone without signing up for service.<sup>7/</sup>

Petitioners, including Nextel, agreed with XYPOINT's assertion that fraud and abuse of the 911 system could likely result from transmission of calls without code identification. In fact, Ameritech stated that, by mandating this E911 transmission, the

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<sup>4/</sup> Petitioners also were in agreement that the Commission's definition of "code identification" is too narrow and must be assumed to encompass the International Mobile Service Identifier ("IMSI") as well as the Mobile Identification Number ("MIN"). See Petition of Nokia at pp. 1-2; Telecommunications Industry Association ("TIA") at p. 5; PCIA at p. 6; and CTIA at pp. 12-13.

<sup>5/</sup> Petition of XYPOINT at p. 4. See also Petition of Ameritech at p. 7; Nokia at p. 2; AT&T Wireless at p. 6.

<sup>6/</sup> Petition of XYPOINT at p. 5. See also Petition of BANM at p. 5; Ameritech at p. 8.

<sup>7/</sup> Petition of XYPOINT at p. 6. See also Petition of Ameritech at p. 9.

Commission would be "facilitat[ing] prank and fraudulent [911] calls."<sup>8/</sup> BANM agreed, noting that the Commission has failed to "address the problems [the rule] will create" in light of the potential for fraudulent and prank calls.<sup>9/</sup>

As Nextel stated in its petition, these fraud and abuse problems far outweigh the limited benefits that will be provided consumers attempting to use a non-code-identified mobile unit, i.e., a phone that has never been placed into service, that has been stolen, or that has had its service terminated. Given the limited benefits and the overwhelming disadvantages of mandating transmission of such 911 calls, Nextel respectfully requests that the Commission reconsider its decision and eliminate this requirement.

**B. The Commission should clarify "covered SMR" to ensure that it does not encompass local, non-cellular SMR systems providing primarily dispatch services**

All of the petitioners who addressed the subject of "covered SMRs" are in agreement that the Commission's definition is too broad and must be clarified to exclude local, non-cellular SMR systems that provide primarily dispatch services.<sup>10/</sup> The

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<sup>8/</sup> Ameritech at p. 8.

<sup>9/</sup> BANM at p. 5.

<sup>10/</sup> Petition of AMTA at p. 3; SBT at p. 2; and PCIA at p. 16. PCIA's Petition is slightly different than those of AMTA, SBT and Nextel in that it seeks a "covered SMR" definition that excludes carriers based solely on a mobile unit count. Nextel does not agree with this approach because it makes the type of SMR service and the type of SMR system irrelevant to the definition. The issue is not simply whether a provider is large or small; the key determination is whether the services being provided are enhanced cellular-like services or traditional, dispatch-only-type services.

definition, moreover, encompasses carriers that the Commission itself expressly intended to exclude. As AMTA pointed out in its Petition, the Commission's definition "inadvertently includes many SMR systems" on whom the Commission did not intend to place E911 obligations.<sup>11/</sup>

Nextel agrees with PCIA that users of traditional dispatch SMR services do not expect E911 capabilities and other enhanced features from their SMR services.<sup>12/</sup> On the other hand, consumers do anticipate these services on a cellular or Personal Communications Service ("PCS") system.<sup>13/</sup> Customers likewise anticipate the receipt of enhanced services on wide-area, enhanced SMR systems. The current definition of "covered SMR," however, does not clearly exclude those traditional dispatch-only systems.

Nextel, AMTA, SBT and PCIA, among others, are working together and with Commission Staff to refine the definition of "covered SMR" in a manner that would exclude non-cellular systems. The parties have yet to reach an agreed-upon definition; however, they will continue efforts to arrive at a definition that excludes the local traditional provider while encompassing all enhanced wide-area SMR systems. Accordingly, the definition of "covered SMR" should be amended consistent with the outcome of these discussions.

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<sup>11/</sup> Petition of AMTA at p. 6.

<sup>12/</sup> Petition of PCIA at pp. 16-17.

<sup>13/</sup> *Id.*

**IV. CONCLUSION**


No one disagrees that ensuring wireless E911 service to consumers is in the public interest, but the Commission has gone too far in imposing the impracticable, unnecessary and very costly duty to transmit E911 from mobile units with no code identification. A number of parties recognize that this requirement is bad public policy and creates unnecessary opportunities for abuse of the E911 system, thereby jeopardizing the delivery of legitimate E911 calls. Based on the evidence provided by petitioners herein, therefore, the Commission should eliminate this requirement.

The petitions for reconsideration filed herein evidence an SMR industry consensus that the Commission's current definition of "covered SMR" is too broad and must be clarified to exclude traditional non-cellular SMR providers. The industry is continuing to work together and with the Commission to arrive upon the appropriate "covered SMR" definition. Nextel respectfully requests

that the Commission amend its definition of "covered SMR" in accordance with the outcome of these industry and Commission discussions.

Respectfully submitted,

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Dated: October 3, 1996



**CERTIFICATE OF SERVICE**

I, Rochelle L. Pearson, hereby certify that on this 3rd October 1996, caused a copy of the attached Comments on Petitions for Reconsideration of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

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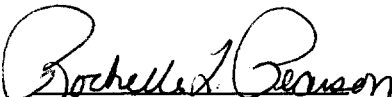
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